

Item-77. 16-08-2023

FMA 64 of 2022
CAN 2 of 2021

sg Ct. 8

Ajoy Kumar Mondal
Versus
The State of West Bengal & Ors.

Mr. Bhaskar Prasad Vaisya, Adv.
Mr. Suman Dey, Adv.

...for the appellant

1. The appellant is not represented.
2. The affidavit filed on behalf of the State respondents in the form of an affidavit in terms of our order dated 18th July, 2023 is taken on record.
3. It appears that the petitioner had filed a disability certificate on 3rd May, 2016 issued by the Medical Board and was followed by another certificate dated 1st November, 2018. In absence of any other previous certificate, we feel that the petitioner is entitled to family pension at least from May 2016.
4. In view thereof, the decision to extend the family pension to the writ petitioner from 27th November, 2018 cannot be sustained.
5. The petitioner is entitled to family pension with effect from 1st May, 2016. The arrear family pension from May 2016 till 27th November, 2018 shall be paid within three weeks from date.
6. We also direct the Directorate of Pension, Provident Fund & Group Insurance, Government of West Bengal to issue revised payment pension order and ensure compliance of this order within three weeks from date.

7. The department is directed to communicate this order to the appellant namely, Ajoy Kumar Mondal at Vill Sudampur, P.O. Sudampur, District Purba Medinipur, Pin. 721644 by speed post with acknowledgment due in course of this week.
8. The learned Registrar Administration (L&OM) shall ensure communication of this order to the appellant is made in time.
9. We direct the District Inspector of School (S.E.), Purba Medinipur to comply with the order and ensure remittance of the said amount to the designated bank account of the petitioner.
10. Mr. Sumon Dey, learned Counsel for the respondents shall immediately communicate this order to the Director of Pension, Provident Fund & Group Insurance for compliance.
11. In the report it is stated that the mother of the petitioner died on 2nd October, 2009 and hence the question of making payment of any disable family pension to the mother of the petitioner thereafter could not and does not arise.
12. A copy of the report in the form of affidavit on behalf of the District Inspector of School (S.E.) Purba Medinipur shall be forwarded to the appellant by Mr. Dey along with copy of this order within one week from date.
13. The order of the learned Single Judge stands modified to the aforesaid extent.
14. With the aforesaid direction, the appeal and the connected application are accordingly, disposed of.

(Uday Kumar, J.)

(Soumen Sen, J.)

